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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/727,982

11/30/2000

E. Michael Lunsford

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05/02/2006

EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/02/2006

Wagner Murabito & Hao LLP  
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/727,982

Applicant(s)

LUNSFORD ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7,9-13,15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-13,15 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the RCE filed 02/17/06.
2. Claims 1, 4, 5, 9, 12, 13 and 15 were amended.
3. Claims 6, 8, 14, 16 are canceled.
4. Claims 17-24 are newly added
5. Claims 1-5, 7, 9-13, 15 and 17-24 are pending in this office action.

***Response to Amendment***

6. Applicant's arguments with respect to claim 1-5, 7, 9-13, 15 and 17-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7, 9-13, 15 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over "BLUETOOTH – The universal radio interface for ad hoc, wireless connectivity" Ericsson Review No. 3, 1998, by Haartsen (Haartsen) in view of U.S. Patent 6,421,716 by Eldridge et al. (Eldridge), U.S. Patent 6,128,661 by Flanagan et al. (Flanagan), and Applicant's admitted prior art.

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9. With respect to Claim 1 and 19, Haartsen teaches that Bluetooth technology provides for wireless communication for selective transmission of data among a group of mobile computing devices (Page 110, See Abstract), comprising:

broadcasting a query to determine a group of mobile computing devices within communications range (Page 115, Section 'Establishing connection', specifically last paragraph);

presenting a list of mobile computing devices within communications range (Page 115, Section 'Establishing connection', specifically last paragraph);

receiving a selection of one or more mobile computing devices from the list for a data transfer, the selecting performed by the user (Page 115, Section 'Establishing connection', specifically last paragraph; and Page 114, first paragraph under 'Piconets', also see Page 112, Box C, third user scenario on left);

performing the data transfer to the one or more mobile computing devices using a radio frequency link (Page 115, Section 'Establishing connection', specifically last paragraph; and Page 114, first paragraph under 'Piconets', also see Page 112, Box C, third user scenario on left).

Haartsen does not explicitly disclose when the selection comprises a single mobile computing device, presenting a graphical user interface prompting the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link; and performing the data transfer using the selected communication type.

Eldridge teaches wireless communication types for mobile computing devices may include both infrared links as well as radio frequency links (Col. 3 lines 37-49 and Col. 6 lines 22-39). Eldridge further teaches the radio frequency link may automatically be selected when an infrared link cannot be established (Col. 6 lines 22-39). Additionally, Applicant's admitted prior art states that infrared links do not permit group communication of data (Page 3 lines 13-17 of applicants' specification).

Flanagin teaches presenting a graphical user interface prompting the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link (Col. 9 lines 29-50 and see Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding computer-usable medium) disclosed by Haartsen and modify it as indicated by Eldridge, Flanagin and Applicants admitted prior art such that when the selection comprises a single mobile computing device, presenting a graphical user interface prompting the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link; and performing the data transfer using the selected communication type. One would be motivated to have this as there is need for the user to be able to choose the communications link to interact with another computing device when different types of links are available (In Flanagin : Col. 2 lines 5-18), while still providing a communication link when alternative links cannot be established (In Eldridge: Col. 6 lines 22-39).

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10. With respect to Claims 2 and 20, Haartsen further teaches at least one of the mobile computing devices is a PID (personal information device) (Page 110, 2<sup>nd</sup> paragraph of abstract).

11. With respect to Claims 3 and 21, Haartsen further teaches at least one of mobile computing device is a cellular phone (Page 110, 2<sup>nd</sup> paragraph of abstract).

12. With respect to Claims 4 and 22, Haartsen further teaches wherein the query is broadcast using the RF communications link (Page 110, 1<sup>st</sup> paragraph of abstract, also see Page 112, "The Bluetooth air interface").

13. With respect to Claims 5 and 23, Haartsen further teaches the RF communications link is compatible with a version of the Bluetooth specification (Page 112, "The Bluetooth air interface").

14. With respect to Claim 7, Haartsen further teaches the step of presenting a confirmation of the data transfer to the plurality of mobile computing devices of the user (Col. 12 lines 25-27 of Eldridge).

15. With respect to Claim 9, Haartsen teaches a wireless communication system for selective transmission of data among a group of mobile computing devices (Page 110, See Abstract) comprising:

a first mobile computing device operable to broadcast a query to determine a group of mobile computing devices within communications range (Page 114, 1<sup>st</sup> Paragraph under 'Piconets' and Page 115, Section 'Establishing connection', specifically last paragraph); and

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a display built into the first mobile computing device configured to present a GUI to the user (Page 110, 2<sup>nd</sup> Paragraph of Abstract), the GUI operable to present a list of mobile computing devices within communications range (Page 115, Section 'Establishing connection', specifically last paragraph), the GUI further operable to receive a selection of one or more mobile computing devices from the list for a data transfer (Page 115, Section 'Establishing connection', specifically last paragraph; and Page 114, first paragraph under 'Piconets', also see Page 112, Box C, third user scenario on left), wherein further the first mobile computing device is operable to perform the data transfer to the one or more mobile computing devices using the radio frequency link (Page 115, Section 'Establishing connection', specifically last paragraph; and Page 114, first paragraph under 'Piconets', also see Page 112, Box C, third user scenario on left).

Haartsen does not explicitly disclose when the selection comprises a single mobile computing device, presenting a graphical user interface prompting the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link; and performing the data transfer using the selected communication type.

Eldridge teaches wireless communication types for mobile computing devices may include both infrared links as well as radio frequency links (Col. 3 lines 37-49 and Col. 6 lines 22-39). Eldridge further teaches the radio frequency link may automatically be selected when an infrared link cannot be established (Col. 6 lines 22-39).

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Additionally, Applicant's admitted prior art states that infrared links do not permit group communication of data (Page 3 lines 13-17 of applicants' specification).

Flanagin teaches presenting a graphical user interface prompting the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link (Col. 9 lines 29-50 and see Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Haartsen and modify it as indicated by Eldridge, Flanagin and Applicants admitted prior art such that when the selection comprises a single mobile computing device, presenting a graphical user interface prompting the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link; and performing the data transfer using the selected communication type. One would be motivated to have this as there is need for the user to be able to choose the communications link to interact with another computing device when different types of links are available (In Flanagin : Col. 2 lines 5-18), while still providing a communication link when alternative links cannot be established (In Eldridge: Col. 6 lines 22-39).

16. With respect to Claim 10, Haartsen further teaches at least one of mobile computing device is a PID (personal information device) (Page 110, 2<sup>nd</sup> paragraph of abstract).



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17. With respect to Claim 11, Haartsen further teaches at least one of mobile computing device is a cellular phone (Page 110, 2<sup>nd</sup> paragraph of abstract).

18. With respect to Claim 12, Haartsen further teaches wherein the query is broadcast using the RF link (Page 110, 1<sup>st</sup> paragraph of abstract, also see Page 112, "The Bluetooth air interface").

19. With respect to Claim 13, Haartsen further teaches the RF link is compatible with a version of the Bluetooth specification (Page 112, "The Bluetooth air interface").

20. With respect to Claim 15, Haartsen further teaches the first mobile computing device is operable to present a confirmation of the data transfer (Col. 12 lines 25-27 in Eldridge).

21. With respect to Claim 17, Haartsen further teaches storing information indicating the wireless communication type selected when the user selects the wireless communication type (Col. 9 lines 29-51 of Eldridge).

22. With respect to Claim 18, Haartsen further teaches wherein the first mobile computing device is further operable to store information indicating the wireless communication type selected when the user selects the wireless communication type (Col. 9 lines 29-51 of Eldridge).


23. With respect to Claim 24, Haartsen further teaches wherein the method presenting a confirmation of the data transfer (Col. 12 lines 25-27 in Eldridge).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Lazaro  
April 27, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER